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**COOPER & DUNHAM LLP**  
**ATTORNEYS AT LAW**  
**1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036**  
**TELEPHONE: (212) 278-0400**

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 BRIAN J. AMOS  
 GREGORY J. CARBO  
 JOSEPH A. SHERINSKY\*  
 HINDY R. DYM\*

FACSIMILE: (212) 391-0526  
 (212) 391-0526  
 (212) 391-0630  
 (212) 391-0631  
 (212) 827-0247

SCIENTIFIC ADVISOR  
 JAMES R. MAJOR, D. PHIL.  
 AMANDA L. WILLIS, PH.D.

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**FACSIMILE NO. : (571) 273-0025**

**FROM : John P. White/AG**

**TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 5**

**DATE : May 24, 2007**      **TIME:**

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**MESSAGE: PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY ABANDON APPLICATION UNDER 37 C.F.R. §1.313(C)(3), in connection with William C. Olson and Paul J. Maddon, Anti-CCR5 Antibodies, U.S. Serial No. 09/464,902, filed December 16, 1999.**

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Dkt. 57906-A/JPW/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**FAX RECEIVED**

Applicants: William C. Olson and Paul J. Maddion MAY 24 2007  
 Serial No.: 09/464,902 Group Art. Unit: 1648 **OFFICE OF PETITIONS**  
 Filed : December 16, 1999 Examiner: Emily Le  
 For : NUCLEIC ACIDS ENCODING POLYPEPTIDES OF ANTI-CCR5  
 ANTIBODIES

Date of Notice  
 of Allowance: February 6, 2007 Confirmation No.: 8227

1185 Avenue of the Americas  
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 May 24, 2007

BY FACSIMILE: (571) 273-0025  
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PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY  
 ABANDON APPLICATION UNDER 37 C.F.R. §1.313(c)(3)

Applicants hereby petition that the above-identified application be withdrawn from issue under 37 C.F.R. §1.313(c)(3) as a result of the express abandonment of the subject application in favor of a continuation application being filed concurrently. Applicants are concurrently filing a Declaration of Express Abandonment Under 37 C.F.R. §1.138, a copy of which is attached hereto as Exhibit 1. The required petition fee set forth in 37 C.F.R. §1.17(h) is ONE HUNDRED THIRTY DOLLARS (\$130.00) and the undersigned hereby authorizes the Patent Office to charge the amount of this fee to Deposit Account No. 03-3125.

Applicants note that during the prosecution of the subject application, Examiner Le issued an Office Action on April 2, 2004 which provisionally rejected claims 87-88, 91-95 and 98-101 on the ground of nonstatutory obviousness-type double patenting over claims

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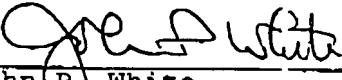
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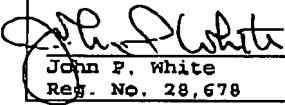
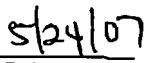
Applicants: William C. Olson and Paul J. Madden  
 Serial No.: 09/464,902  
 Filed : December 16, 1999  
 Page 2 of 2

4-13 of U.S. Serial No. 10/081,128. Applicants note that U.S. Serial No. 10/081,128 is the parent application of U.S. Serial No. 10/371,483, filed February 21, 2003, now U.S. Patent No. 7,122,185, issued October 17, 2006. On October 4, 2004, applicants submitted an Amendment In Response To April 2, 2004 Office Action addressing the non-statutory obviousness-type double patenting rejection and indicating that U.S. Serial No. 10/081,128 was abandoned thereby rendering the non-statutory obviousness-type double patenting rejection moot. Applicants erroneously omitted to bring U.S. Serial No. 10/371,483, the continuation of U.S. Serial No. 10/081,128, to the Examiner's attention. Accordingly, in order to redress this error, applicants are expressly abandoning the subject application, but not the subject matter disclosed and/or claimed therein, in favor of a continuation application being concurrently filed with the filing of this Petition and the Declaration of Express Abandonment.

No fee, other than the enclosed \$130.00 petition fee, is deemed necessary in connection with the filing of this Petition. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

  
 John P. White  
 Registration No. 28,678  
 Attorney for Applicants  
 Cooper & Dunham LLP  
 1185 Avenue of the Americas  
 New York, NY 10036  
 (212) 278-0400

I hereby certify that this correspondence is being transmitted by facsimile on this date to: (571) 273-0025 Office of Petition U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	
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From-Cooper&Dunham LLP

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## **EXHIBIT 1**